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**James Freas**  
Acting Director

**PUBLIC HEARING MEMORANDUM**

**DATE:** November 13, 2015

**MEETING DATE:** November 17, 2015

**TO:** Planning and Development Board

**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner

**CC:** Petitioner  
Land Use Committee  
Judith Menon, Community Development Manager

**RE:** Request for recommendation for the proposed rezoning of 283 Melrose Street from Multi-Residence 1 to Mixed Use 4

The Planning Department is providing the following information for the upcoming public hearing regarding the proposed rezoning of 283 Melrose Street from Multi-Residence 1 to Mixed Use 4. This information is supplemental to staff analysis previously provided for the special permit application, which is available on the City's website ([Turtle Lane Playhouse](#)). The site plan, floor plans, and elevations have also been submitted to the Planning and Development Board (P&D Board) and are also available on the website.

The petitioner submitted a special permit application to the Board of Alderman on December 9, 2014 for a rezoning of the subject property, in order to allow the rehabilitation and expansion of the existing Turtle Lane Playhouse building to include office space and a restaurant, and for the construction of a new residential building. The application was resubmitted on April 16, 2015 to modify the program of uses to eliminate the proposed restaurant and replace it with residential units, and to reduce the amount of office space. The project has been further modified to reduce the number of residential units and the size of the buildings. The program of uses currently includes:

Existing Structure and Expansion	New Residential Building
<ul style="list-style-type: none"><li>Turtle Lane theatre (and occasional functions)</li><li>2,373 square feet of office space</li><li>4 residential units (rental)</li></ul>	<ul style="list-style-type: none"><li>16 residential units (condo)</li><li>Underground parking</li></ul>

The P&D Board reviews rezonings of properties and provides a nonbinding recommendation to the Board of Alderman through the Land Use Committee. The purpose of the P&D Board's review is to focus on the rezoning of the subject property with the understanding that the rezoning applies to this project, and that if this project is denied by the Board of Alderman the rezoning will not go into affect. The Planning Department notes that issues relating to traffic, parking, engineering, and other site plan details are being discussed and addressed with the Land Use Committee.

### **Subject Property**

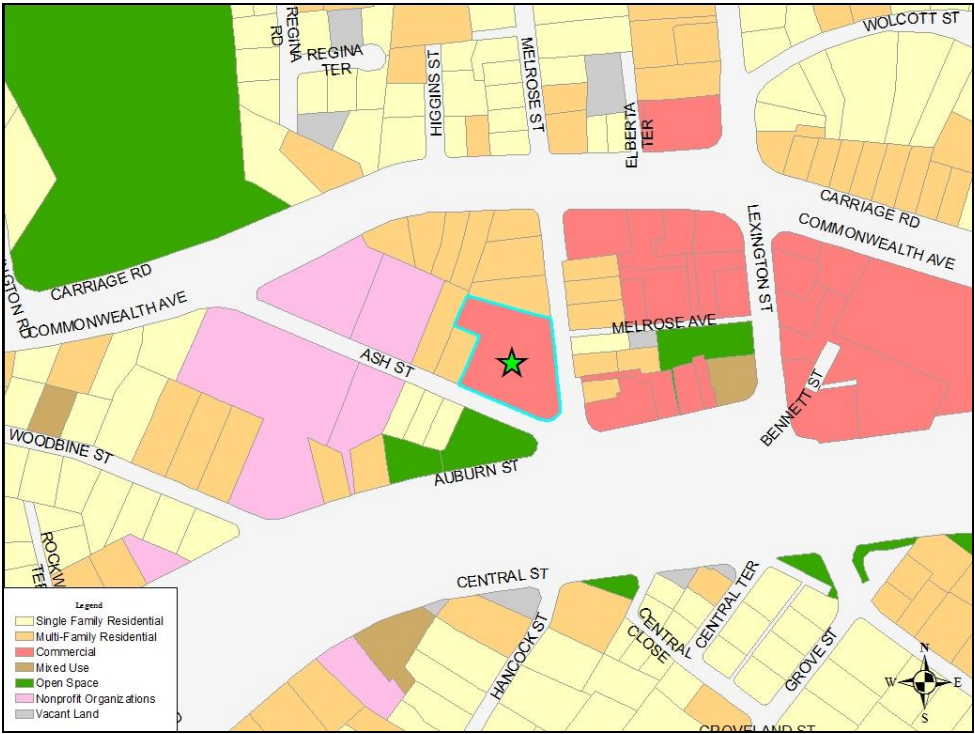
The subject property consists of 43,773 square feet of land, improved with a 2½-story structure and a surface parking lot. The existing structure was originally constructed as a single-family dwelling circa 1850 and was later used as a boarding house during the last quarter of the 19<sup>th</sup> century. The structure was converted to a local social and fraternal club in 1920 and was used as such until a new owner requested a variance in 1978 to use the building for theatre productions, with a seating capacity of 200 persons. It then became known as the Turtle Lane Playhouse and held productions until 2013 when the property was sold to the current owner. The property has been vacant since the petitioner began the special permit process.

The subject property is zoned as Multi-Residence 1 which allows single-family and two-family dwellings by-right. Based on the lot area it appears the petitioner could subdivide the lot into approximately four separate lots, which if developed with two-family dwellings would allow for eight units. This scenario assumes the existing building is demolished. The petitioner could also use the land for a school, church and day-care facility by administrative review, and the following uses by special permit.

Uses Allowed by Special Permit in a Multi Residence 1 district	
Single Family Attached Dwellings (up to approximately 10 units on this site)	Club, clubhouse
Boarding/rooming/lodging house	Riding school or stock farm
Nonprofit institutions	Radio or television transmission station
Congregate living facility	Structures supporting transmission or receiving stations
Hospital, sanitarium, convalescent or rest home	Library museum or other cultural institution

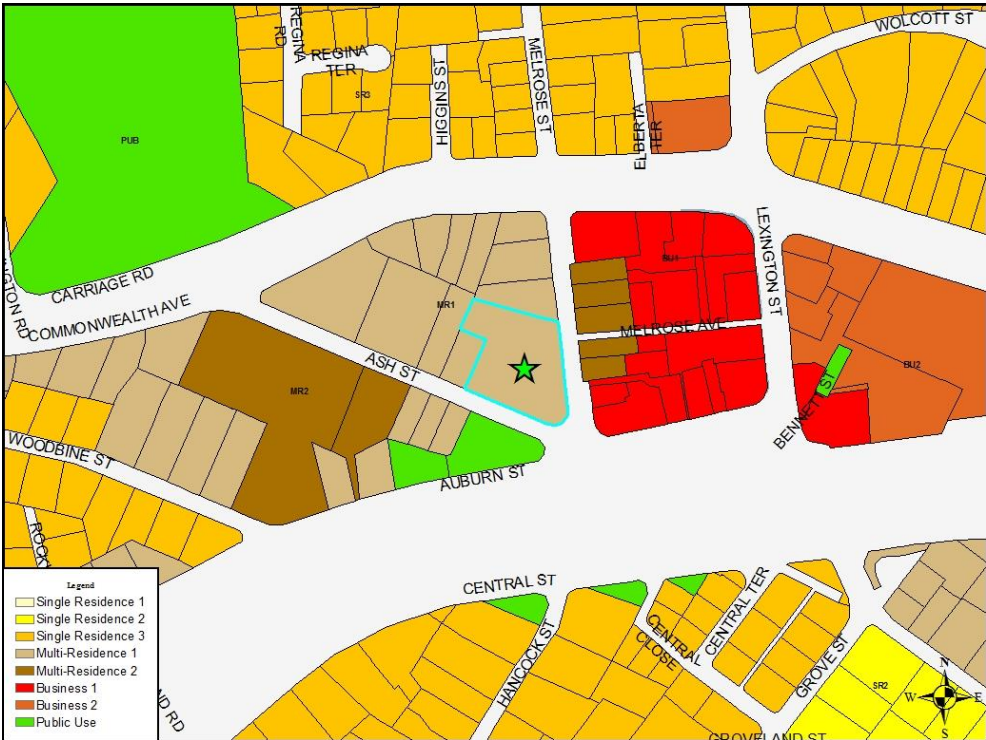
### **Surrounding Land Uses**

The property is located at the corner of Melrose Street, Ash Street and Auburn Street in Auburndale. As illustrated in the following land use map, the site is directly abutted by residential properties, is less than a block from the businesses on Auburn Street and the religious uses on Ash Street, and is within a block of Auburndale's village center. The site is also proximate to the commuter parking lot located on Auburn Street, and will be across the street from the expected relocation of the MBTA commuter rail stop.



**Surrounding Zoning Districts**

The zoning districts in the surrounding neighborhood generally mirror the land uses for the respective properties. The subject property is one of the exceptions, as it is zoned as Multi Residence but has been used for non-residential purposes for the last 30 years.



### **Proposed Rezoning to a Mixed Use 4 District**

The petitioner is proposing to rezone the property to Mixed Use 4 in order to allow for a mix of the former theatre use (with a 200 seat capacity), the proposed office space, and the proposed residential use. As described earlier, the project has been modified since the original submission and now consists mainly of the addition of a multi-family residential use to the previous theatre use. The office space of 2,400 square feet would likely consist of a small company with approximately seven employees. The office space on the third level (1,015 square feet) has limited head room and would likely be used for storage.

The Mixed Use 4 district was adopted in 2009 and to this point has only been applied to the Austin Street lot. The purposes of the Mixed Use 4 District as defined in the Newton Zoning Ordinance are:

- 1) Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan;
- 2) Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment;
- 3) Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community;
- 4) Expand the diversity of housing options available in Newton;
- 5) Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

Based on the proposed mix of uses this project would serve several of the purposes of the district, as it is located one block from the village's commercial center and close to public transportation, would diversify the City's housing options with a multi-family dwelling, and would add to the sense of place and community through the re-opening of the theatre. While the additional residential units do not significantly add to the vitality of the village center, they will help support the theatre use from a financial perspective. The Planning Department believes that the rezoning would be consistent with the Comprehensive Plan and the City's goals of concentrating appropriate growth around its village centers, and notes that the rezoning would allow for the potential future conversion of the residential use attached to the theatre building to an appropriate commercial use (via an amendment to special permit, if approved).

The Mixed Use 4 district has design criteria that are meant to create an active streetscape with commercial uses on the ground floor and limited setbacks and blank wall spaces. The petitioner requested relief from some of these requirements in order to increase the setbacks along the street and to allow residential units on the ground floor. The petitioner also modified the original special permit application to remove the proposed restaurant use in response to comments from the Alderman and some members of the community. Overall, the project meets aspects of the design vision created by the Mixed Use 4 design criteria, but due to the modifications made through the special permit process does not create the consistent streetscape presence and activity that is anticipated in the design requirements.

### **Planning and Development Board**

The Planning and Development Board should consider whether the rezoning of the subject property is appropriate based on the purpose and other requirements of the proposed Mixed Use 4 district and the character and uses of the surrounding neighborhood. The proposed rezoning would only apply to this project and would not go into effect if the special permit for the project were not approved and exercised. The recommendation of the P&D Board will be provided to the Land Use Committee as it continues through the special permit process.

### **Recommendation**

The Planning Department recommends approval of the rezoning with conditions.

### **ATTACHMENTS:**

- Attachment A:** Zoning Memorandum dated 10/1/2015
- Attachment B:** Newton Zoning Ordinance, Establishment of the Mixed Use 4 District
- Attachment C:** Proposed Programming of the Theatre



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**City of Newton, Massachusetts**  
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**ATTACHMENT A**

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James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: October 1, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney  
Stephen Vona, applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request for a zone change from Multi-Residence 1 to Mixed Use 4, and subsequent special permits for a mixed use building with office, theatre and residential uses, and a multi-family dwelling with 16 units, and associated parking waivers**

Applicant: Stephen Vona	
Site: 283 Melrose Street	SBL: 41014 0010
Zoning: MU4 (from MR1)	Lot Area: 43,773 square feet
Current use: Theatre	Proposed use: Theatre, office and residential

### BACKGROUND:

The property at 283 Melrose Street is situated at the corner of Melrose and Ash Streets in Auburndale. The lot consists of 43,773 square feet in a MR1 zone. The existing structure was built circa 1850 as a single-family residence by Abijah S. Johnson, a prominent figure in the development of Auburndale. During the last quarter of the 19<sup>th</sup> century it was used as a boarding house. The structure was converted into The Auburndale Club, a local social and fraternal organization in 1920, and used as such until a new owner requested a variance in 1978 to use the building to hold theatre productions. It then became known as The Turtle Lane Playhouse and held productions until 2013, when the property was sold to the current owner.

The applicant is proposing to restore and expand the existing structure to provide a mix of uses including preserving the theater use for productions, as well as adding 1,358 square feet of second floor office space above. The theatre building will include four rental residential units. In addition, the applicant is proposing to erect a separate 16-unit multi-family structure with a below grade parking garage for 27 cars.

The property is currently zoned Multi-Residence 1 (MR1). A variance was issued in 1978 allowing the theater use, and a special permit issued in 1980 expanded the theater use to allow service of alcoholic beverages. The underlying zoning allows single- and two-family dwelling uses by right. A special permit could allow for multi-family dwellings, attached dwellings and philanthropic uses, but not for the mix of uses proposed by this application. The applicant explored which district would allow the project to proceed, and found that a zoning change to Mixed Use 4 (MU4) is an appropriate option. MU4 allows for a mix of uses including those proposed by this application. Even with the proposed zone change, several waivers will be required via special permits.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terrence Morris, attorney, dated 4/7/2014
- Revised site plan, signed and stamped by Peter Nolan, surveyor, dated 8/3/2015
- Board Order #54-78 dated 12/27/1978
- Board Order #598-80 dated 11/24/1980
- Board Order # 29-88 dated 3/28/1988
- Plan Set, prepared by Schnee Architects, Inc, dated 2/21/2014, revision submitted 3/16/2015, revised 7/27/2015
  - Overall ground level,
  - Building A/B – L1
  - Building C – Parking
  - Parking C – L1
  - Building C – L2
  - Building C – L3

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. Section 30-13(h)(2), Table B establishes the allowed uses in the MU4 district. According to this table, the second floor office space is allowed by right.
2. According to section 30-13(h)(2), Table B, a special permit is required for multi-family dwelling units at street level. The applicant is proposing a 16-unit multi-family dwelling to the rear of the property, with street-level units, as well as two street level units attached to the theatre. A special permit is required.
3. Section 30-13(j)(1-3) requires a special permit for additions and proposed buildings which contain individually or in the aggregate 20,000 square feet of gross floor area.
4. The applicant is proposing a building height of 36 feet and three stories, which requires a special permit per sections 30-15 Table 3, and 30-15(w)(1).
5. According to sections 30-15, Table 3 and 30-15(w)(4), the **maximum** front setback in the MU4 district is 10 feet. The theatre building is as close as 11.6 feet to Melrose Street, and 12.3 feet to Ash Street. The residential building is as close as 11.8 feet from Melrose Street. A special permit is required for a front setback greater than 10 feet.

6. Section 30-15(w)(6)b) requires a minimum of 60% of the street-facing building façade between two and eight feet above the street-level floor to consist of clear windows allowing views of indoor space and display areas. The applicant requests a waiver from this section.
7. Section 30-24(f)(2) requires that a project requiring a special permit for residential or mixed use development including residential development beyond that allowable as of right or totaling more than two new additional units be subject to the inclusionary housing provisions. The ordinance requires that the project provide no fewer than 15% of the number of dwelling units proposed to be added by the development. The applicant is proposing to provide three affordable units out of the 20 units for rental or sales, in accordance with this section.
8. Section 30-24(f)(1)(b)v) requires that the three rental units be available to households such that the mean income of the eligible households in the development does not exceed 65% of the median income for households per HUD requirements for the City of Newton.
9. The submitted plans show a retaining wall exceeding four feet in the side setback. This wall is to accommodate the grade change required for the underground parking facility. A special permit for a retaining wall higher than four feet is required per section 30-5(b)(4).
10. The applicant is proposing a below-grade parking garage for 27 cars under the multi-family building. A 20-unit residential development (16 units plus 4 units) requires 40 parking stalls per section 30-19(d)(2). However, section 30-19(d)(2) allows the Board to grant a special permit to reduce the parking requirement from 2 stalls per unit to 1¼ stalls per unit. The applicant is requesting a special permit to reduce the parking requirement to 25 stalls, or 1¼ stalls per unit.
11. The applicant is proposing 2,373 square feet of office space. Per section 30-19(d)(11), office uses require one stall per each 250 square feet of gross floor area. The 2,373 square feet of proposed office space requires 10 parking stalls. There is adequate parking to satisfy this requirement.
12. The Board of Appeals granted a variance in 1978 to allow for a theater use on the site. A condition of the variance limited the seating capacity to 200 persons. The applicant intends to maintain the existing 200 seat theatre use. At the time the variance was granted, the site had a capacity for 18 vehicles and the ordinance required 95 stalls. While this use under the current ordinance requires 70 parking stalls per section 30-19(d)(13), the parking is grandfathered for the theatre use and does not require a waiver.
13. No lighting is shown on the submitted plans. Section 30-19(j)(1) addresses the requirements for lighting of parking facilities. The applicant shall either comply with the provisions of the Ordinance, or should seek a for a waiver from the requirements of 30-19(j)(1).



14. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
		Rezone property from MR1 to MU4
§30-13(h)(2) Table B	To allow a multi-family dwelling with units at street level	S.P. per §30-24
§30-13(j)(1-3)	To allow aggregate building size in excess of 20,000 square feet of gross floor area	S.P. per §30-24
§30-15(w)(1)	To allow building height of 36 feet, and 3 stories	S.P. per §30-24
§30-15(w)(4)(a)	Waiver for a front setback greater than 10 feet	S.P. per §30-24
§30-15(w)(6)(b)	Waiver of 60% transparency requirement for the building facades	S.P. per §30-24
§30-24(f)	Comply with the Inclusionary Housing Ordinance	4 Units
§30-5(b)(4)	To allow a retaining wall in excess of 4 feet in the setback	S.P. per §30-24
§30-19(d)(2) §30-19(m)	Permit reduction from 2 to 1¼ parking stalls/dwelling unit in an apartment house	S.P. per §30-24
§30-19(j)(1)	Waive lighting requirements for parking facilities	S.P. per §30-24

## Sec. 4.2. Mixed Use Districts

### 4.2.1. District Intent

- A. **Mixed Use 1 and 2 District.** [Reserved]
- B. **Mixed Use 3/Transit-Oriented Development.** The purpose of the Mixed-Use 3/Transit-Oriented district is to allow the development of a mixed-use center on a parcel of no less than 9 acres near the terminus of a mass transit rail line, an interstate highway, a scenic road, and the Charles River, commonly referred to as the Riverside MBTA station, pursuant to the City's Comprehensive Plan, particularly the mixed-use centers and economic development elements. This district shall encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, provide beneficial open spaces, protect neighborhoods from impacts of development, allow sufficient density to make development economically feasible, foster use of alternative modes of transportation, and create a vibrant destination where people can live, work and play.
- C. **Mixed Use 4 District.** The purposes of the Mixed Use 4 district are to:
1. Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.
  2. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
  3. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
  4. Expand the diversity of housing options available in the City.
  5. Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

(Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-6, 10/01/12)

### 4.2.2. Dimensional Standards

#### A. Applicability.

1. The density and dimensional controls in Sec. 4.2.2 and Sec. 4.2.3 apply to all buildings, structures and uses in each of the listed districts.
2. Where more than one dwelling unit is provided on a lot in certain Mixed Use districts, the following residential density control shall apply:

Mixed Use District	MU1	MU2	MU3/TOD
Lot Area Per Unit (min)	10,000 sf	10,000 sf	1,200 sf

3. Where a density or dimensional control is not set forth in the following tables for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the Board of Aldermen.

#### B. Approval Process.

1. **Special Permit Required.** A special permit is required for any development in a mixed use district of 20,000 square feet or more.
2. **Site Plan Review Required.** A site plan is required for any development in a mixed use district that ranges from 10,000 to 19,999 square feet of new gross floor area. After August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure is not subject to site plan approval. All buildings, structures and additions shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	MU1	MU2	MU3/TOD	MU4
2 stories	P	P	P	P
3 stories	P	SP	SP	--
3 stories, mixed use residential	--	--	SP	P
4 stories or more	SP	SP	SP	--
5 stories, mixed use residential	--	--	SP	SP

P = Allowed by Right

SP = Special Permit by Board of Alderman Required

-- Not Allowed

(Ord. No S-260, 08/03/87)

- a. Category A: Office (including research and development, business incubator, medical office, and other similar uses);
  - b. Category B: Retail sales, personal services, restaurants, banking, health club, place of entertainment and assembly, theater, lodging, hotel, motel; and
  - c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living nursing home.
2. Notwithstanding paragraph G. below, any development that proposes an aggregate gross floor area of 20,000 or more square feet among all buildings within the development parcel shall require a special permit for a mixed-use development.

- G. The square footage in each category shall not exceed the maximums listed below, except, where approved by special permit, the maximums may be adjusted by up to 10 percent in each category, so long as the total gross floor area of all uses, excluding accessory parking, does not exceed 580,000 square feet:
  1. Category A shall not exceed 225,000 square feet (excluding offices incidental to residential, retail or community uses), the majority of which must be contained within one structure;
  2. Category B shall not exceed 20,000 square feet, excluding those uses that are accessory to a use listed in Category A or C as determined by the Commissioner of Inspectional Services;
  3. Category C shall not exceed 335,000 square feet not to exceed 290 dwelling units.
- H. **Organization of Owners.** Prior to exercise of a special permit, an organization of all owners of land within the development parcel, except for owners of land subject to easements benefiting the mixed-use development, shall be formed. The organization of owners will be governed by special permit with the authority and obligation to act on behalf of all such owners in contact with the City or its representatives regarding compliance with this Chapter. The organization shall serve as the liaison between the City and any owner, lessee, or licensee within the development parcel governed by a special permit. Such organization shall be the primary contact

for the City in connection with any dispute regarding violations of this Chapter and, in addition to any liability of individual owners, shall have legal responsibility for compliance of the development parcel with the terms of the special permit for a mixed-use development, site plan approval, and other applicable provisions of this Chapter. In addition, any special permit shall provide for the establishment of an advisory council consisting of representatives of the adjacent neighborhoods and the organization of owners to assure continued compatibility of the uses and activities within the development parcel and its neighbors during and after construction. Membership of this advisory council shall be provided for in the special permit and shall be structured to ensure all neighborhood interests are represented.

(Ord. No. Z-108, 04/17/12)

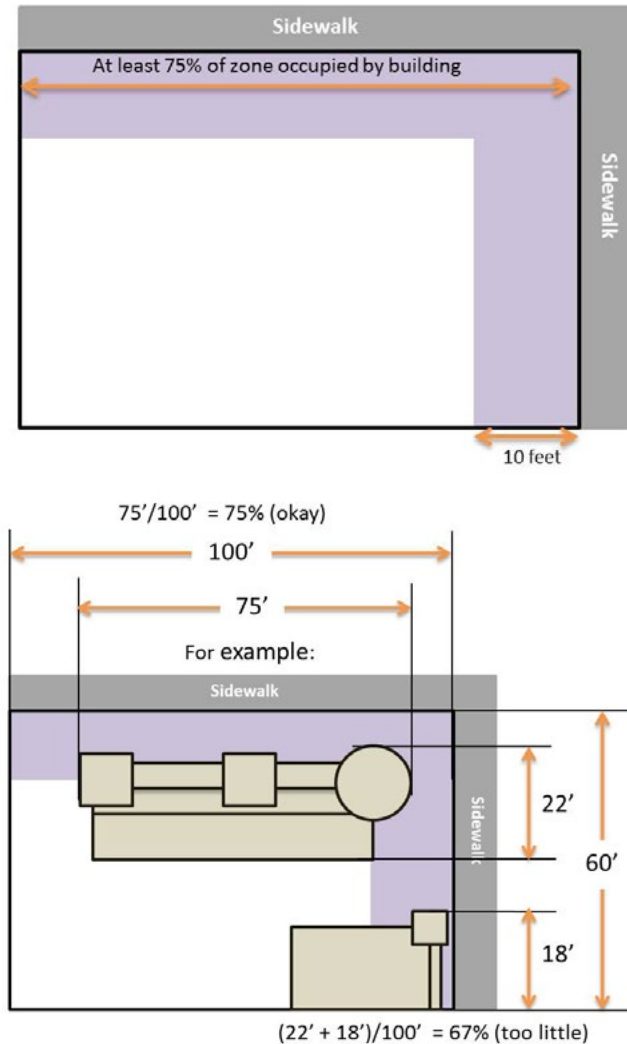
#### 4.2.5. Additional Standards in MU4

- A. **Design Standards for the Mixed Use 4 District.** Notwithstanding any provisions of this Article to the contrary, buildings and structures in the Mixed Use 4 district shall conform to the following standards:
  1. **Height.** Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The Board of Aldermen may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district.
  2. **Mixed-Use Residential Incentive.** Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The Board of Aldermen may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district.
  3. **Residential Density.** The Board of Aldermen may grant a special permit to waive the lot area per

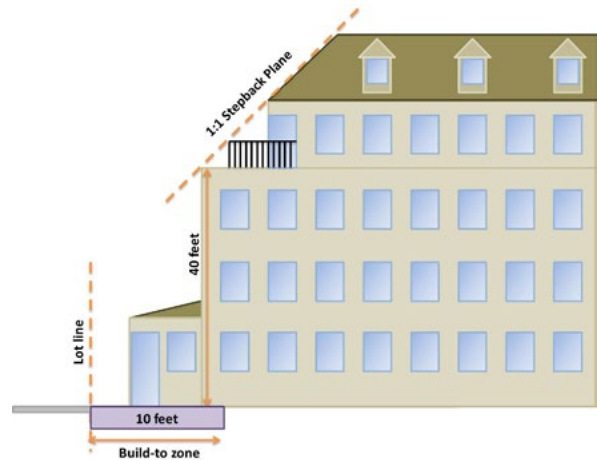
dwelling unit requirement of [Sec. 4.2.3](#), by finding that the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards.

4. **Setbacks.** The Board of Aldermen may grant a special permit to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following standards:

- a. A minimum of 75 percent of the frontage of the lot facing a public way shall contain a building or buildings, the first floor facade of which is setback between 0 and 10 feet from lot line.



- b. No side or rear setbacks are required, except, where abutting a residential district, the required side and rear setbacks shall be no less than 20 feet.
- c. Any portion of a building greater than 40 feet in height must be setback 1 foot from the adjacent lot line for each additional foot of height.



5. **Accessibility.** The design of the buildings and the site plan shall comply with the Americans with Disabilities Act and the rules and regulations of the Massachusetts Architectural Access Board.
6. **Transparency and Entrances.** Commercial uses in a Mixed Use 4 district must meet the following requirement. The Board of Aldermen may grant a special permit to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with the following standards:
  - a. There shall be at least one entrance every 50 feet of building frontage facing a public way.
  - b. A minimum of 60 percent of the street-facing building facade between 2 feet and 8 feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
  - c. Display windows used to satisfy these requirements shall be changed and maintained to create an active window display; any

illumination of the display shall be internal to the facade of the building.

7. **Lobbies for Low-Activity Uses.** This district permits office uses at street level by special permit only. Entryways and lobbies at street level are allowed for office uses occurring above or below street level subject to the following requirements:
    - a. Any dedicated entranceway and lobby space for such uses may not exceed a total of 15 linear feet of an exterior building wall and 400 square feet of gross floor area.
  8. **Open Space.** Parcels greater than 1 acre in area shall provide beneficial open space totaling no less than 5 percent of the total lot area. Parcels smaller than 1 acre in area are encouraged to provide and maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.
- B. **Special Permit.** In granting a special permit for a use allowed in this district, the Board of Aldermen shall make a finding that the proposed use will encourage an active, pedestrian-oriented streetscape throughout the day and week, that the proposed use fills a demonstrated need for the use within the vicinity, and that the proposed use is not inconsistent with the purposes of the Mixed Use 4 district or the City's Comprehensive Plan.

(Ord. No. A-4, 10/01/12; Ord. No. A-6, 10/01/12)

## Sec. 4.4. Allowed Uses

### 4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.1</a>
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.2</a>
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<a href="#">Sec. 6.2.4</a>
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<a href="#">Sec. 6.2.4</a>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.2.5</a>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.10</a>
Live/work space	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.2.11</a>
Single-room occupancy dwelling, single-person occupancy dwelling	--	--	--	--	--	--	--	SP	--	--	--	<a href="#">Sec. 6.2.14</a>
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<a href="#">Sec. 6.3.2</a>
Community use space	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.3</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.5</a>
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	<a href="#">Sec. 6.3.6</a>
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	<a href="#">Sec. 6.3.8</a>
Public use	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.10</a>
Rail/bus station	--	--	--	--	--	--	--	P	--	--	--	<a href="#">Sec. 6.3.11</a>
Religious institution	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.3.15</a>
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	<a href="#">Sec. 6.4.1</a>
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	<a href="#">Sec. 6.4.2</a>
P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank	P	P	P	P	--	SP	P	--	--	--	P	<a href="#">Sec. 6.4.4</a>
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.5</a>
Business incubator								P				<a href="#">Sec. 6.4.6</a>
Business services	--	--	--	--	--	SP	P	--	--	--	--	<a href="#">Sec. 6.4.7</a>
Car-sharing service, car rental, bike rental, electric car-charging station	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.4.8</a>
Car wash	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.4.9</a>
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.11</a>
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	<a href="#">Sec. 6.4.12</a>
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.13</a>
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.14</a>
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	<a href="#">Sec. 6.4.15</a>
Health club, above or below ground floor	--	--	--	--	--	--	--	P	SP	--	--	<a href="#">Sec. 6.4.16</a>
Health club, ground floor	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.4.16</a>
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	<a href="#">Sec. 6.4.17</a>
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Kennel	--	--	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.19</a>
Office	P	P	P	P	P	P	P	L	P	P	P	<a href="#">Sec. 6.4.20</a>
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	<a href="#">Sec. 6.4.21</a>
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	<a href="#">Sec. 6.4.22</a>
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	<a href="#">Sec. 6.4.23</a>
Parking facility, accessory, single level	P	P	P	P	--	--	P	--	P	P	P/SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	--	SP	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	--	--	--	P	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, public	--	--	--	--	--	--	--	P	P	--	SP	<a href="#">Sec. 6.4.24</a>
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	<a href="#">Sec. 6.4.25</a>
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.4.25</a>
Place of amusement, indoor or outdoor	--	SP	--	--	--	--	--	SP	SP	--	SP	<a href="#">Sec. 6.4.26</a>

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Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Radio or television broadcasting studio	SP	SP	SP	SP	SP	--	SP	--	--	L	--	<a href="#">Sec. 6.4.27</a>
Radio, or television transmission station	--	--	--	--	SP	SP	--	--	--	SP	--	<a href="#">Sec. 6.4.27</a>
Research and development	--	--	--	--	--	--	--	P	--	--	--	<a href="#">Sec. 6.4.28</a>
Restaurant	L/ SP	L/ SP	L/ SP	L/ SP	--	SP	P/ SP	P/ SP	P/ SP	--	L/ SP	<a href="#">Sec. 6.4.29</a>
Retail sales, under 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	<a href="#">Sec. 6.4.30</a>
Retail sales, over 5,000 square feet	P	P	P	P	--	SP	P	SP	SP	--	P	<a href="#">Sec. 6.4.30</a>
Service establishment, up to 5,000 square feet	--	--	--	--	--	SP	P	--	P	--	--	<a href="#">Sec. 6.4.31</a>
Service establishment, over 5,000 square feet	--	--	--	--	--	SP	P	--	SP	--	--	<a href="#">Sec. 6.4.31</a>
Stable, public	--	--	--	--	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.32</a>
Taxidermist	--	--	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.33</a>
Vehicle repair shop, minor	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.34</a>
Vehicle repair shop, major	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.34</a>
Vehicles sales and service facility, indoor	--	SP	--	--	--	SP	SP	--	--	SP	--	<a href="#">Sec. 6.4.35</a>
Vehicles sales and service facility, outdoor	--	SP	--	--	--	SP	--	--	--	SP	--	<a href="#">Sec. 6.4.35</a>
Veterinary hospital	--	SP	--	--	--	SP	SP	--	SP	P	P	<a href="#">Sec. 6.4.36</a>
<b>Industrial Uses</b>												
Assembly or fabrication of materials manufactured off premise	--	--	--	--	--	P	SP	--	--	P	--	<a href="#">Sec. 6.5.1</a>
Bakery, wholesale	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.2</a>
Boat building, storage and repair	--	--	--	--	--	--	--	--	--	L	P	<a href="#">Sec. 6.5.3</a>
Bottling works (except for alcoholic beverages)	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.4</a>
Building materials sales yard and storage building	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.5</a>
Contractor's yard	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Sec. 6.5.6</a>
Feed and seed store	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.7</a>
Food processing, wholesale	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.8</a>
Laboratory and research facility, no recombinant DNA	SP	SP	SP	SP	SP	P	P	SP	P	P	P	<a href="#">Sec. 6.5.9</a>
Laboratory and research facility, recombinant DNA	--	--	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.5.9</a>
Laundry, cleaning and dyeing establishment	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.10</a>
Manufacturing	--	--	--	--	--	L	--	--	--	P	P	<a href="#">Sec. 6.5.11</a>
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.11</a>
Paint store	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.12</a>
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Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Printing, publishing and reproduction establishment	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.13</a>
Sign painting shop	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.14</a>
Telecommunications and data storage facility	--	--	--	--	--	SP	--	--	--	--	SP	<a href="#">Sec. 6.5.15</a>
Trash or yard waste, collection, storage, transfer-haul or composting	--	--	--	--	--	--	--	--	--	--	--	<a href="#">Sec. 6.5.16</a>
Vehicle storage	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.5.17</a>
Wholesale business or storage facility	--	L	--	--	--	SP	--	--	--	L	L	<a href="#">Sec. 6.5.18</a>
Wholesale distribution plant	--	--	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.5.19</a>
Wireless communication equipment	P/L/ SP						P/L/ SP					<a href="#">Sec. 6.9</a>
Manufacturing, uses not allowed by right	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.5.11</a>
Open Space Uses												
Agriculture, on a parcel of 5 or more acres	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture, on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Restricted Uses												
Adult business	--	--	--	--	--	SP	--	--	--	--	SP	<a href="#">Sec. 6.10.1</a>
Keno	SP	SP	SP	SP	--	SP	SP	SP				<a href="#">Sec. 6.10.2</a>
Registered marijuana dispensary	--	SP	--	--	SP	SP	--	--	--	--	--	<a href="#">Sec. 6.10.3</a>
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See [Sec. 7.8.4](#), Substandard Commercial Lots.

*From the Law Office of Terrence P. Morris, Esq.**Memorandum*

To: Stephen Pantalone, Sr. Planner  
From: Terry Morris, Counsel for Stephen Vona  
Date: October 13, 2015  
Re: 283 Melrose Street Mixed-Use Project

This memorandum is intended to respond to certain questions raised by the Land Use Committee regarding the planned operation of the theatre building as one of the components of the above-referenced, proposed mixed-use project. This memorandum is meant to expand upon a previous document presented to the committee in June.

Pre-dominance of the Theatre

A look at the attached Turtle Lane Playbill from the Fall of 1995 provides a snapshot in time of the operation of the theatre facility in its heyday. From its inception in 1980-81, there were four major musicals annually each with a minimum 6-week run, with 3-4 week extensions thereby averaging 9/10-week runs. Musical show days were run Thursday to Sunday with two shows on Saturday and Sunday. Show opening time to the public varied depending upon the show with openings at 7:00 or 7:30PM and closings at 11:30PM or 12M. Monday through Wednesday were scheduled for special events, which included weddings, holiday parties, fundraisers dance recitals, rehearsals and corporate events. In addition, there were Summer Theater camps run successfully for many years from 8:00AM to 5:00PM.

While doubts may persist in some quarters about the survival of theatre use in this location, it must be pointed out that the nature of theater operation has evolved over time. No longer is a theater venue constrained by fixed-seat productions. The operative term is now “flexible space”. Productions now include dinner theater and cabaret where fixed seats are replaced by tables with smaller group seating. In addition there are productions that feature the cast moving about and performing around the audience seated at tables. It is our intent to so diversify the nature of productions and performances in the new theater hall.

Of no less importance is the actual management of the theater. In its heyday from the late 1980s through the late 1990s the Turtle Lane Playhouse was a very successful operation under the able direction of a seasoned theatrical manager. That same person has been recruited to lead a veteran theatrical team as producer and operations manager. Typical theater operates on a Thursday through Sunday schedule with evening performances and Saturday-Sunday afternoon matinees. Our research shows that there is a large unmet need for community theater space. We intend to meet that need in part through a schedule of conventional musicals/plays similar to that which characterized the theatre in the past.

However, to ensure the viability of the theater, its ancillary use as a function hall is critical during off-peak theatrical periods. For that reason, in those intervals the plan is to schedule social events that commemorate or celebrate lifetime milestones such as births, weddings, retirements, reunions as well as community activities. Historically, it should be clear that Turtle Lane Playhouse was a multi-faceted operation with the theatre at its core. It was potentially open for business seven days a week. Nonetheless, in deference to the concerns of some about the extent of the operation, the petitioner will agree to accept a condition that limits the number of

days per week that the theatre building would be open to the general public, to five days (Wednesday-Sunday). This schedule affirms the commitment to the theater use as the primary function.

The acceptance of this condition is meant to acknowledge that the use of the facility is periodic in nature. The fact is that being open for business even 5 days per week does not mean the facility would be in use for 260 days per year. Furthermore there is a seasonal aspect to the operation that coincides with the academic calendar and the summer being a slower period.